



e. An Eighth/Fourteenth Amendment claim alleging unconstitutional jail conditions (Count III);

f. An Eighth/Fourteenth Amendment claim for failure to train the Coosa County Jail staff to not mistreat prisoners (Count IV); and

g. An Eighth/Fourteenth Amendment claim for deliberate indifference to a serious risk of harm in failing to stop the Plaintiff from being abused (Count V).

3. The Plaintiff's official capacity claims are due to be dismissed because:

a. Sheriff Owens is entitled to Eleventh Amendment immunity;

b. Sheriff Owens, in his official capacity, is not a "person" for purposes of 42 U.S.C. § 1983; and

c. Any equitable claims:

(1) are moot;

(2) not justiciable because the Plaintiff lacks standing; and/or

(3) fail under the facts pled.

4. All of the Plaintiff's Eighth Amendment claims are due to be dismissed because the Plaintiff was a pretrial detainee.

5. Sheriff Owens is entitled to qualified immunity on each of the Plaintiff's claims against him in his individual capacity.

**WHEREFORE, THE ABOVE PREMISES CONSIDERED,** Coosa County Sheriff Ricky Owens moves this Court to dismiss all claims made against him and award him costs and attorney's fees pursuant to 42 U.S.C. § 1988.

Respectfully submitted this 2nd day of June, 2006.

**s/Gary L. Willford, Jr.**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 2nd day of June, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Richard J. Stockham, III, Kristi Allen Dowdy, and Stephen Michael Doyle.**

**s/Gary L. Willford, Jr.**  
OF COUNSEL